

Alabama Racing Commissions



Functional Analysis & Records Disposition Authority

**Revision
Approved by the
Local Government
Records Commission
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Functional and Organizational Analysis of Racing Commissions

Sources of Information

- Birmingham Racing Commission
- Greene County Racing Commission
- Macon County Racing Commission
- Mobile Racing Commission
- Acts of Alabama, No. 83-575 (Macon County); No. 83-376 (Greene County); and No. 2431[1971] (Mobile), amended by Alabama Act No. 86-545
- Code of Alabama 1975 § 11-65-1 through 11-65-47 (Birmingham)
- Birmingham Racing Commission. “Rules Regulating Pari-mutuel and Greyhound Racing Manual”.
- Mobile Racing Commission. “Rules Regulating Pari-mutuel Greyhound Racing Manual”.

Historical Context

Established by a legislative act in 1971, Mobile County’s racing commission is by far the oldest in the state. Greyhound racing began in Mobile on August 6, 1973. In 1983, Greene and Macon Counties also established racing commissions. The Alabama Legislature enacted legislation in 1984 that permitted Jefferson County to hold a referendum on authorizing local horse and greyhound racing. Following a favorable election, the Birmingham Racing Commission was incorporated, pursuant to Alabama Act 84-131. Authorizing legislation for “Class 1 Municipalities” (Birmingham) was later codified in Title 11, Chapter 65 of the Code of Alabama 1975. Since the Birmingham Race Track abolished live horse racing in 1992, the tracks have run only dog races. Greene County’s racing commission abolished live dog racing in 1998 and now conducts only simulcast racing.

Agency Organization

Alabama presently has four racing commissions, located in the City of Birmingham, Greene County, Macon County, and Mobile County. This RDA is a revision of the one approved for Birmingham’s racing commission (the pilot project) in October 1999. Although the four racing commissions are organized differently and operate under unique local laws, their duties are substantially the same. Therefore, functions and subfunctions originally identified for Birmingham’s commission generally also fit the other three. Differences will be noted where they do exist. Records treated in this RDA’s analysis and disposition sections are common to all four commissions.

Birmingham and Macon County have similar methods of selecting their commissions. In Birmingham, the mayor, the county commission chairman, the county’s representatives in the House and Senate, and the lieutenant governor each appoint one member. The commissioners serve four-year terms. Macon County’s three commissioners, who serve six-year terms, are likewise chosen by the county commission and the House and Senate representatives. In Greene

County, the three commission members are appointed by its legislative delegation. Each member serves a term of three years. In Mobile County, the legislative delegation elects one member and the other two are chosen, respectively, by the Mobile County Foundation for Public Higher Education and by a majority vote of the county's municipalities. In all four cases, racing commissioners must be residents of the county for at least five years prior to appointment, as well as qualified electors. They must be bonded, and none may be a convicted felon or "an officer, director, or employee of any [race track] licensee" (Alabama Act 83-575, p. 884).

Birmingham's racing commission elects a chairman and vice-chairman from its members and appoints as employees an executive secretary and a treasurer. Originally, the city's finance director filled the treasurer's position, but the chairman may now serve in this capacity (Code of Alabama 1975 § 11-65-9). The chairman also presides over commission meetings and may call special meetings in addition to the two required per month. To address any business, the commission must have a quorum of three members present. If the chairman is temporarily absent or the chair is vacant, the vice-chairman performs those duties temporarily or succeeds as acting chairman until the vacancy is filled. The Birmingham Racing Commission's executive secretary serves as its administrative head, carrying out its duties, rules, and regulations as prescribed by law. Mobile County's commission also elects a chairman, vice-chairman, and secretary. The Macon and Greene County racing commissions elect no officers, but each appoints its county's treasurer as *ex officio* treasurer of the commission. The treasurers "collect all the license fees, taxes, and monies" their commissions receive, depositing or investing them as directed in their authorizing legislation. They also supervise and audit "the operation of the pari-mutuel racing pools" in their respective counties. Birmingham's and Mobile County's commissions employ certified public accountants to conduct this task.

Agency Function and Subfunctions

The mandated function of the Alabama Racing Commissions in Alabama is to maintain the integrity of greyhound racing by upholding the State of Alabama's legislative requirements, as well as rules and regulations established by the commissions themselves. The Code of Alabama 1975 § 11-65-10 mandates the Birmingham Racing Commission to supervise operation of the Birmingham Race Track, which is not a government agency. An association of track operators, known as the Association, is the entity licensed to conduct business at the track. Separate legislative acts empower Mobile and Macon County's racing commissions to supervise their tracks and pari-mutuel betting in their counties. As such, it is one of the agencies responsible for performing the Regulation function of Alabama government as described in the "Functional Analysis of Alabama Government."

In the performance of its mandated function, the Alabama Racing Commissions may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** The commissions are responsible for adopting bylaws to regulate their own business affairs, as well as racing and wagering activities at the tracks. The Birmingham Racing Commission meets each October to approve the dates for the two main classifications of greyhound racing: matinees (daytime races) and evening performances (nighttime races). The race track's director

submits proposed race dates to the commission for consideration. Greene, Macon, and Mobile County's commissions likewise meet annually and are charged with "promulgat[ing] uniform rules and regulations governing the holding, conducting, and operating of all race meetings and races held in the county" (Alabama Act 83-575, p. 886). As befits their role as regulatory bodies, Alabama's racing commissions enforce the rules and regulations set forth in their authorizing legislation.

- **Licensing.** Code of Alabama 1975 § 11-65-18 through -20 establishes the procedure for obtaining licenses at the Birmingham Race Track. The Association is the entity licensed by the commission to operate the track. It is responsible for reporting stockholder and wagering information to the commission; allowing commission-sanctioned audits; making purses (prize money) available to kennel owners; ensuring that the track is safe and secure for employees, visitors, and other track personnel; and guarding against corruption. Although track personnel are not commission employees, anyone working at the track must be licensed by the commission. Each potential licensee submits an application to the track personnel office for approval by the track director. Once the track director approves an application, he sends it to the commission for review. The commission issues several types of licenses, e.g.: stewards/judges, chief veterinarians, evidence technicians, permit clerks, compliance monitors, and simulcast officials.

Similarly, in Mobile and Macon Counties, track personnel such as gatekeepers, starters, announcers, officials, dog owners, grooms, veterinarians, wagering machine attendants, and vendors of racing forms must all be licensed. The commissions convene each year "to consider and act upon all permits or licenses applied for" (Alabama Act 86-545, p. 1086). All three commissions have the power to revoke licenses if they find violations of the rules and regulations.

Greene County's commission is not issuing licenses at this time because the track is not conducting live dog racing. However, if the commission should re-open the track to provide this service, licenses may be issued.

- **Monitoring Race Track Operations.** The Code of Alabama 1975 § 11-65-10(10) authorizes the Birmingham Racing Commission to investigate and have free access to the office, track, facilities, records, books, or other place(s) of business of all track operators. Investigations at the track may occur after allegations of misconduct by the Association, its employees, or track patrons. If a complaint is filed by a patron or staff member, it is forwarded to the racing inspector's office. The inspector may conduct an investigation to determine whether probable cause exists for the commission to take disciplinary action. Instances of alleged wrongdoing may include tampering with dogs, soliciting business on Association grounds, or making types of wagers not permitted under the commission's rules on pari-mutuel betting. The commission has an auditor, veterinarians, and track judges to ensure that track operations are run according to the guidelines in the Code. The legislative acts governing dog racing in Greene, Macon, and Mobile Counties also stipulate various categories of offenses that relate to racing, wagering, and other race track operations. Those counties' commissions employ similar procedures for monitoring and investigating such offenses. (See Alabama Acts 83-575 [Macon County], 2431 [1971], and 86-545 [Mobile County].)

- **Conducting Hearings.** Each of the commission’s licensees has a duty to uphold its regulations. In Birmingham, suspected violations of greyhound racing rules are first reported to track judges. If the judges find an owner or employee guilty of a violation, they may impose any punishment deemed proper under the commission’s rules, such as suspending the person for no more than 60 days or imposing a fine of up to \$1,000. Offenders who do not accept the judges’ ruling may appeal to the commission for a hearing (see *Birmingham Racing Commission, Rules Regulating Pari-mutuel Greyhound Racing*, Section XIII). At the hearing, the complainant and other witnesses may be examined; then the commission decides whether relief or additional disciplinary action should be taken. The Mobile and Macon County racing commissions may, under their legislation, also revoke licenses, impose fines, and conduct hearings on violations of racing or wagering rules. Mobile’s legislation cites its commission’s “power to summon witnesses before its meetings . . . and to require testimony on any issue before it” (Alabama Act 86-545, p. 1087). Macon County’s notes that “any aggrieved person [accused of violating racing regulations] shall be entitled to a hearing before the Racing Commission” (Alabama Act 83-575, p. 888).
- **Administering Internal Operations.** A significant portion of the Alabama Racing Commissions’ work includes general administrative, financial, and personnel activities performed to support the programmatic areas of the agency including:

 - Managing the Agency:** Activities include internal office management activities common to most government agencies such as corresponding and communicating, scheduling, meeting, documenting policy and procedures, reporting, litigating, legislating (drafting, tracking), publicizing and providing information, managing records, and managing information systems and technology.
 - Managing Finances:** Activities include budgeting (preparing and reviewing budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency’s budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.
 - Managing Human Resources:** Activities include recruiting and hiring eligible individuals to fill positions within the agency; providing compensation to employees; providing benefits to employees such as leave, health insurance, unemployment compensation, worker’s compensation, injury compensation, retirement, and death benefits; supervising employees by evaluating performance, granting leave, and monitoring the accumulation of leave; training and providing continuing education for employees; investigating and disciplining.

Managing Properties, Facilities, and Resources: Activities include inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; leasing and/or renting offices or facilities; providing security for property managed by the agency; insuring property; and assigning, inspecting and maintaining agency property.

Records Appraisal of Alabama Racing Commissions

The following is a discussion of the three major categories of records created and/or maintained by the Racing Commissions: Temporary Records, Permanent Records, and Records No Longer Created.

Temporary Records

Temporary records should be held for what is considered their active life and be disposed of once all fiscal, legal, and administrative requirements have been met. Some of the temporary records created by the board are discussed below:

- **Licensing Files.** These records are submitted by commission license applicants to document that they have met all mandated requirements. Most licenses are annually renewed. This revision updates and standardizes RDA retention requirements for licensing files in accordance with other regulatory agency licensing files to five years. Because racing commissions do not receive notification upon termination of employment, the previous retention requirement of “5 years after termination of employment” was unworkable.

Permanent Records

The Archives Division recommends the following records as permanent:

Promulgating Rules and Regulations

- **Commission Meeting/Hearing Minutes, Agendas, and Packets.** Under the Code of Alabama 1975 and their authorizing legislation, racing commissions are charged with developing and implementing rules and regulations on greyhound racing and pari-mutuel wagering. These records are minutes documenting meetings and hearings held by the commission. They include agendas and packet materials reviewed by commission members prior to meetings. As primary source materials, these records are essential to document the evolution of commission policies and procedures and the fulfillment of mandated responsibilities toward race tracks under their jurisdiction.
- **Administrative Correspondence.** These records include correspondence and related files of commission members, racetrack officials, or administrative staff regarding commission policies or procedures, as well as broad questions of administration. Administrative correspondence provides essential documentation of the implementation of commission policies and procedures.
- **Greyhound Rule Books.** Greyhound rule books explain rules and regulations that authorize and permit greyhound racing by operators at the race tracks. They provide detailed information that defines and regulates greyhound racing and pari-mutuel betting, detail the obligations of everyone licensed at the track, and describe the kinds of services

provided. Rule books provide essential documentation of racetrack operations and are the basis for regulatory decisions made by the commissions.

Licensing

Permanent records documenting this subfunction are found in Commission Meeting/Hearing Minutes as described under Promulgating Rules and Regulations.

Monitoring Race Track Operations

Permanent records documenting this subfunction are found in Commission Meeting/Hearing Minutes as described under Promulgating Rules and Regulations.

Conducting Hearings

Permanent records documenting this subfunction are found in Commission Meeting/Hearing Minutes as described under Promulgating Rules and Regulations.

Permanent Records List Alabama Racing Commissions

Promulgating Rules and Regulations:

1. Commission Meeting/Hearing Minutes, Agendas, and Packets
2. Administrative Correspondence
3. Greyhound Rule Books

Administering Internal Operations - Managing the Agency:

1. Historical and Publicity Files
2. Annual Reports
3. Websites and Social Media Sites – Annual snapshots

Administering Internal Operations - Managing Finances

1. Approved Annual Budgets
2. Annual Financial Reports
3. Audit Reports
4. General Ledgers – general ledgers and detailed year-end trial balances created prior to 1975
5. Grant Project Final Narrative Reports

Administering Internal Operations - Managing Human Resources

1. Employee Handbooks
2. Employee Newsletters

Administering Internal Operations - Managing Properties, Facilities, and Resources

1. Track or Facility Construction and Renovation Files (plans, specifications, and blueprints)

Alabama Racing Commissions Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the Local Government Records Commission under the authority granted by the Code of Alabama 1975 § 41-13-5 and 41-13-22 through 24. It was compiled by the Archives Division, Alabama Department of Archives and History (ADAH), which serves as the Commission's staff, in cooperation with representatives of the Alabama Racing Commissions. The RDA lists records created and maintained by the Agency in carrying out their mandated functions and activities. It establishes minimum retention periods and disposition instructions for those records and provides the legal authority for the Agency to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and may be made available to members of the public. Records also must be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975 § 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the agency records manager or ADAH Archives Division at (334) 242-4452.

Explanation of Records Requirements

The RDA shall govern the disposition of all records, regardless of format, created by the agency from creation to dissolution. Please contact the staff of the Department of Archives and History before destroying any records created prior to 1940.

This RDA supersedes any previous records disposition schedules or RDAs governing the retention of the records created by the Agency. Copies of superseded schedules are no longer valid and may not be used for records disposition.

The RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.

Certain other record-like materials are not actually regarded as official records and may be disposed of under this RDA. Such materials include (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document agency activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes, may include, but are not limited to, telephone call-back messages, drafts of ordinary documents not needed for their evidential value,

copies of material sent for information purposes but not needed by the receiving office for future business, and internal communications about social activities; (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Agency and lists the groups of records created and/or maintained as a result of activities and transactions performed in carrying out these subfunctions. The Agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular biannual meetings.

Promulgating Rules and Regulations

1.01 Commission Meeting/Hearing Minutes, Agendas, and Packets. These records are minutes documenting meetings and hearings held by the commission. They include agendas and packet materials reviewed by commission members prior to meetings.
Disposition: PERMANENT RECORD.

1.02 Recordings of Commission Meetings. Audio or video recordings provide a verbatim account of discussions at racing commission meetings. They normally are used only as an aid to preparation of the minutes.
Disposition: Temporary Record. Retain until minutes are approved.

1.03 Commission Meeting Notices. These records are public notices of the time and place of racing commission meetings.
Disposition: Temporary Record. Retain 1 year.

1.04 Administrative Correspondence. These records include correspondence and related files of commission members, racetrack officials, or administrative staff regarding commission policies or procedures, as well as broad questions of administration.
Disposition: PERMANENT RECORD.

1.05 Greyhound Rule Books. These records explain rules and regulations that authorize and permit greyhound racing by operators at the race tracks. They provide detailed information that defines and regulates greyhound racing and pari-mutuel betting, detail the obligations of everyone licensed at the track, and describe the kinds of services provided.
Disposition: PERMANENT RECORD.

1.06 Racing Date Files. These records document the dates of races to be held at the tracks, as approved by the commission.
Disposition: Temporary Record. Retain 1 year.

Licensing

2.01 Licensing Files. These records are submitted by commission license applicants to document they have met all mandated requirements. Most licenses are annually renewed. Information in the files may include the licenses applicant's name, department, social security number, date and place of birth, physical description, background information, license number, and license code assigned by the commission.

Disposition: Temporary Record. Retain 5 years after the end of the fiscal year in which the records were created.

Monitoring Race Track Operations

3.01 Investigations Files. These files document the investigation of complaints conducted by authorized track or commission personnel. Information available may include the name of the complainant; the nature of the complaint; the name of alleged offenders; the location, date, and time of the incident; reports of any evidence collected; and results of the investigation.

Disposition: Temporary Record. Retain 12 years after case settlement and exhaustion of all appeals.

3.02 Audited Race Results. These records document the results of races run and wagering on them. Information available may include the name of the track and number of the race, type of race, listing of the names of dogs, time that wagers were placed on races, amounts wagered, results of races, and the amount of dollars paid.

Disposition: Temporary Record. Retain 5 years after the end of the fiscal year in which the records were created.

Note: If these records become part of an investigation or hearing file, follow the disposition for investigation or hearing records.

3.03 Veterinarian Reports. These records document physical examinations of greyhounds by duly licensed veterinarians. Information in them may include: the name of the veterinarian, the name of the owner, the name of the dog, the type of test conducted (urine, blood or other specimens), and any type of drug present or administered.

Disposition: Temporary Record. Retain 6 years.

Note: If these records become part of an investigation or hearing file, follow the disposition for investigation or hearing records.

3.04 Greyhound and Horse Breeding Development Files. These files document research on greyhound or horse breeding conducted by research institutions. They may be retained by racing commissions or race tracks for reference purposes.

Disposition: Temporary Record. Retain for useful life.

Conducting Hearings

4.01 Hearing Case Files. These records document hearings on complaints and rulings made by commission. Information available may include the name of the complainant, the nature of the complaint, and the names of suspects or witnesses. Track judges' rulings on race results, wagers, and photo finishes may also be found in these files.

Disposition: Temporary Record. Retain 6 years after commission's decision and settlement of all appeals.

Administering Internal Operations: Managing the Agency

5.01 Administrative Reference Files. These records include materials not created by the racing commission; they are collected and used only as reference sources of information.

Disposition: Temporary Record. Retain for useful life.

5.02 Annual Reports. Racing commission may create annual narrative reports describing their activities during the calendar or fiscal year. Such reports provide summary documentation of functions, projects, and activities.

Disposition: PERMANENT RECORD.

5.03 Historical and Publicity Files. These records include news releases, newsletters, brochures, periodicals, photographs, videotapes, audiotapes, speeches, and public service announcements created by racing commissions.

Disposition: PERMANENT RECORD.

5.04 Routine Correspondence. This type of correspondence documents the daily conduct of the racing commission's affairs in its relations with local citizens and businesses, other governmental agencies, and the general public. It relates to everyday matters (such as answering inquiries, providing information, or performing mandated services) rather than to policy development or issues of long-term administrative impact.

Disposition: Temporary Record. Retain 3 years.

5.05 Legal Case Files. These records document lawsuits filed by or against the racing commission.

Disposition: Temporary Record. Retain 6 years after the case is closed.

5.06 Mailing Lists. These records document lawsuits filed by or against the racing commission.

Disposition: Temporary Record. Retain for useful life.

5.07 Mail, Telephone, and Fax Machine Logs. These records are lists of mail, telephone and fax machine contacts and related data.

Disposition: Temporary Record. Retain for useful life.

5.08 Calendars. These records include desk calendars and other scheduling devices for racing commission personnel.

Disposition: Temporary Record. Retain 1 year.

5.09 Records Management Documentation

- a. **Records documenting implementation of the racing commission's approved RDA.** These records include records management plans, records inventories, finding aids, and destruction notices.
Disposition: Temporary Record. Retain 2 years following audit.
- b. **Copy of approved RDA.** The RDA provides legal guidelines for the disposition of racing commission records. The racing commission should maintain a signed copy of the RDA and distribute copies to other agencies as needed.
Disposition: Temporary Record. Retain 2 years after the audit period in which the RDA was superseded.
- c. **Local government records deposit agreements.** These records are formal agreements executed by the racing commission so that a local records repository (library, archives, or historical society) may accept physical custody of long-term records. They include inventories of records in the repository.
Disposition: Temporary Record. Retain 10 years after termination of the agreement.

Note: Deposit agreements must be approved by the Local Government Records Commission. For information, contact the ADAH.

5.10 Records Request Forms. A racing commission may ask visitors wishing to examine records to complete an identification form before providing access. Information in such forms may include visitors' name and contact information, date and time of request, records, reason for request, and staff comments.

Disposition: Temporary Record. Retain 2 years following audit or until any resulting litigation is concluded.

5.11 Computer Systems Documentation. These files include hardware and software manuals, diskettes, metadata lists, and warranties.

Disposition: Temporary Record. Retain former system documentation 2 years after the end of the audit period in which the former hardware and software no longer exist anywhere in the agency and all permanent records have been migrated to the new system.

5.12 Websites and Social Media Sites. Racing commissions develop web and social media sites for responding to public inquires and providing information on racing commission affairs.

Disposition: PERMANENT RECORD. Preserve a complete copy of the web or social media site annually, or as often as significant changes are made.

Administering Internal Operations: Managing Finances

6.01 Budgeting Records. These records document preparing a budget request package and reporting the status of funds, requesting amendments of allotments, and reporting program performance.

- a. **Departmental budget estimates and requests.** These records contain information submitted by racing commissions during budget preparation.
Disposition: Temporary Record. Retain 2 years following audit.
- b. **Approved annual budgets.** These records are the final racing commission budget and are often maintained by the governing authority of the racing commission when one exists.
Disposition: PERMANENT RECORD. If a copy of budget is included with minutes, retain additional copies for useful life.
- c. **Records documenting budget performance during the budget cycle (budgeted and actual revenue reports, investment reports, expenditure reports, encumbrance reports, etc.).**
Disposition: Temporary Record. Retain 2 years following audit.
- d. **Annual financial reports.** At the end of the fiscal year, a summary statement of racing commission finances may be included in governing authority minutes and published in the local newspaper.
Disposition: PERMANENT RECORD. If a copy of the report is included with the minutes, retain additional copies for useful life.

6.02 Audit Reports. These records document the racing commission's overall financial condition, and the findings of its independent auditor during each audit period. If official audit report is maintained by another department under its governing authority, audit reports maintained by the racing commission may be considered duplicative.
Disposition: PERMANENT RECORD.

6.03 Routine Accounting Records. These are records of original entry or other routine accounting transactions, including journals, registers, ledgers, receipts, invoices for services, bank statements, deposit slips, cancelled checks, and other supporting documentation.
Disposition: Temporary Record. Retain 2 years following audit.

Recommendation: Returned checks, or other records documenting the racing commission's efforts to collect unpaid fees or service charges, may need to be retained until collection, even if that period exceeds the state retention.

Note: Disposition for grant-related accounting records is provided under Grant Project Files.

6.04 General Ledgers and Detailed Year End Trial Balances. These are records of final entry for all financial transactions collecting revenue (taxing and licensing), purchasing, investing, administering state and federal funds, and general accounting.

a. **Records created prior to 1975.**

Disposition: PERMANENT RECORD.

b. **Records created in or after 1975.**

Disposition: Temporary Record. Retain 10 years after the end of the fiscal year in which the record was created.

6.05 Purchasing Records. These records document the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods and services, and authorizing payment for products. Records in this series may include, but are not limited to, purchase orders, quotes, invoices, purchasing card receipts, and receiving reports.

Disposition: Temporary Record. Retain 2 years following audit.

Note: Disposition for grant-related purchasing records is provided under Grant Project Files.

6.06 Contracts, Leases, Franchises, and Agreements. These records document the negotiation, fulfillment, and termination of all contracts, leases, franchises, and agreements entered into by the racing commission, including final contracts that are subject to the bid process.

Disposition: Temporary Record. Retain 10 years after expiration of the contract (Code of Alabama 1975 § 6-2-33).

6.07 Records of Formal Bids. These records document the bid process, which is subject to the requirements of Title 41, Section 16 of the Code of Alabama 1975.

a. **Records documenting bids on products or services obtained by the municipality.**

These records include racing commission requests for bid proposals, successful and unsuccessful bids by product or service vendors, and related correspondence.

Disposition: Temporary Record. Retain 7 years after the date bids were opened (Code of Alabama 1975 § 41-16-54(e))

b. **Lists of eligible bidders.** Racing commission may compile lists of persons or businesses who have filed requests to be notified of bids on projects, products, or services required by the municipality. Requests from bidders to be included on the list may be treated as routine correspondence.

Disposition: Temporary Record. Retain 3 years after last contact with listed vendors.

- c. **Correspondence with vendors slated for removal from the list of eligible bidders.** Under Code of Alabama 1975 § 41-16-54(a), any listed bidder who fails to respond after receiving three solicitations for bids may be stricken from the eligible list. This correspondence documents the racing commission's efforts to warn unresponsive vendors that they will be dropped from the lists unless they ask to remain eligible. It includes forms or letters sent out by the municipality and any responses from the vendors. Disposition: Temporary Record. Retain 2 years after the audit period in which the bidder is removed from the lists.

6.08 Verification of Employees' Legal Immigration Status. These records document enforcement of Section 9 of Alabama Act 2011-535, commonly known as the Immigration Act. They consist of affidavits and/or E-Verify Memoranda of Understanding (MOUs) stipulating that active or prospective vendors do not knowingly employ illegal immigrants. Disposition: Temporary Record. Retain 3 years after last contract with vendor.

6.09 Grant Project Files. These records document the racing commission's application for and conduct of grant projects funded by local, state, federal, or private sources. Disposition is as follows:

- a. **Financial reports, interim narrative reports, and correspondence.** These records include financial reports, interim narrative reports, background materials, and other non-financial supporting documentation for grants awarded. Also included are records relating to unsuccessful grant applications. Disposition: Temporary Record. Retain 6 years after submission of final financial report or denial of application.
- b. **Subsidiary financial records.** These records include accounting or purchasing records and any other subsidiary financial documentation of federal grants, excluding financial reports (See federal Rule 1354). Disposition: Temporary Record. Retain 3 years after submission of final financial report.
- c. **Final narrative report.** Final narrative reports are submitted according to the requirements of the funding agency. They summarize the goals of the grant, how the money was used, and what was accomplished. Disposition: PERMANENT RECORD.

6.10 Investment Reports. These records provide summary documentation of the racing commission's financial investments. Disposition: Temporary Record. Retain 2 years following audit.

6.11 Travel Records. These records document requests by racing commission personnel for authorization to travel on official business, and related materials such as travel reimbursement forms and itineraries. Disposition: Temporary Record. Retain 2 years following audit.

6.12 Employer Tax Returns and Related Files. These records include, but are not limited to, employer state tax returns, federal tax returns, local tax returns, unemployment quarterly reports, and Federal Forms 1099. These records do not pertain to individual employees but instead describe the local government agency as a whole.

Disposition: Temporary Record. Retain 2 years following audit.

Administering Internal Operations: Managing Human Resources

7.01 Employee Handbooks. These records provide guidance to new employees about personnel rules and other policies and procedures.

Disposition: PERMANENT RECORD.

7.02 Employee Newsletters. These records are internal newsletters created for government employees to communicate personnel policies, news of important events, and information on individual employees.

Disposition: PERMANENT RECORD.

7.03 Job Classification and Pay Plans. These records document the various job classifications used by the racing commissions. They include the qualifications, duties, and pay range for each position. The required retention depends on whether the racing commission has a separate personnel department:

- a. **Personnel department copy (or file held by individual departments if there is no personnel department).**

Disposition: PERMANENT RECORD.

- b. **Copies held by other departments (duplicate file).**

Disposition: Temporary Record. Retain 4 years after position is reclassified.

7.04 Examination Records. These records document the development of administration of examinations for employment in positions.

- a. **Examination history files.** These files document the development of employment examinations. They include questionnaires, comparison studies, final copies of examinations, and job announcements.

Disposition: Temporary Record. Retain 1 year after examination is no longer in use.

- b. **Examination administrative files.** These records document the administration of examinations to applicants for positions. They include rating forms, answer sheets, and lists of applicants.

Disposition: Temporary Record. Retain 3 years.

7.05 Typing Tests. These records document typing tests given to potential job applicants before accepting their applications for employment. They may include printouts showing the test taken, with errors; summaries of results; demonstration forms used by the staff; and sign-in sheets.

Disposition: Temporary Record. Retain 1 year.

7.06 Certification Records. These records document the process of employee certification. They pertain to individuals deemed qualified for positions after submitting an application and taking an employment examination.

- a. **Employment registers.** These records are lists of individuals declared qualified for certain positions. They include the job classification, names of eligible applicants, and their ranking on the lists.
Dispositions: Temporary Record. Retain 1 year after superseded.
- b. **Employee certification files.** These records document the certification process with individual job applicants. They include questionnaires, training and experience records, grades, notifications, and returned postcards and letters.
Disposition: Temporary Record. Retain 3 years.

7.07 Job Recruitment Materials. These records document efforts by the racing commission to advertise positions and attract qualified personnel.
Disposition: Temporary Record. Retain 2 years after the position is filled.

7.08 Employment Applications. These records document applications by individuals for employment in municipal positions.

- a. **Successful applications.**
Disposition: Temporary Record. Retain in employee personnel file.
- b. **Unsuccessful applications (received in response to specific job announcements).**
Disposition: Temporary Record. Retain 3 years.
- c. **Supplemental data forms.** Information on these forms includes the job applicants name, Social Security number, date of birth, race, gender, and recruitment source. The form may be separated and filed separately from other information on the employment applications.
Disposition: Temporary Record. Retain 6 years after employee separation or 3 years after an unsuccessful application.

7.09 I-9 forms. These federal forms are used to verify that persons seeking employment are eligible to work in the United States. Disposition of the employing agency's copy is provided by 8 CFR 274a.2.

Disposition: Temporary Record. Retain 3 years after employment or 1 year after termination, whichever is longer.

7.10 Equal Employment Opportunity Commission File. These records document allegation regarding non-compliance with hiring regulations established by the federal Equal Employment Opportunity Commission.

Disposition: Temporary Record. Retain 3 years.

Note: “Whenever a charge of discrimination has been filed, or an action brought to the Attorney General – retain until final disposition of the charge or action” (29 CFR 1602.20).

7.11 Employee Personnel Files. These records document each racing commission’s employees work history; they are generally maintained as case files. A file may include information on an employee’s training, performance evaluations, disciplinary actions, promotions and demotions, awards, leave and salary.

Disposition: Temporary Record. Retain 6 years after separation of employee.

7.12 Employee Work Schedules. These records document the daily and weekly work schedules of all employees.

Disposition: Temporary Record. Retain 2 years following audit.

7.13 Annual Reports of Promotions and New Hires. These records summarize overall personnel activity and turnover during the year. They may also include reports of employee retirements, resignations, and terminations.

Disposition: PERMANENT RECORD.

7.14 Leave and Attendance Records. These records document the attendance and leave status of personnel, both generally and for individual employees.

- a. **Individual employee leave and attendance records (including time sheets).** These are records documenting hours worked, leave earned, and leave taken by individual employees.

Disposition: Temporary Record. Retain 2 years following audit.

- b. **Employee cumulative leave/attendance records.** These records document final leave status (cumulative leave) of individual employees.

Disposition: Temporary Record. Retain 6 years after separation of employee.

- c. **Employee sick leave donation records.** These records document the donation of sick leave to their colleagues by employees.

Disposition: Temporary Record. Retain 2 years following audit.

7.15 Payroll Records. These records document racing commission payrolls, as well as pay status and payroll deductions for individual employees. Disposition is as follows:

- a. **Annual payroll earnings reports/records documenting payroll deductions for tax purposes (wage and tax statements).** These are summaries of employees' earnings during a fiscal year, including all deductions and federal Form 941.
Disposition: Temporary Record. Retain 50 years after the end of the tax year in which the records were created.
- b. **Records documenting racing commission payrolls.** These records include pre-payroll reports, payroll check registers, payroll action forms, payroll/overtime certification reports, etc.
Disposition: Temporary Record. Retain 2 years following audit.
- c. **Records documenting payroll deduction authorizations.** These records document payroll deductions for taxes (including W-4 forms), retirement and insurance contributions, and all other deductions withheld from the pay of individual employees.
Disposition: Temporary Record. Retain 6 years after separation of employee.
- d. **Records documenting payroll deductions.** These records document taxes (including W-2 forms), retirement contributions, and all other deductions withheld from the pay of individual employees.
Disposition: Temporary Record. Retain 2 years following audit.
- e. **Employee "Cafeteria Plan" (Flexible Benefits) Records.** These records document salary-reduction type plans authorized by the U.S. Internal Revenue Service, Section 125.
 - i. General information about the plan.
Disposition: Temporary Record. Retain until superseded.
 - ii. Employee applications, correspondence, enrollment cards, and files.
Disposition: Temporary Record. Retain 6 years after termination of the plan.

7.16 Employee Insurance Program Enrollment and Claims Files. These files document the racing commission's efforts to assist employees and their dependents to enroll in health/life insurance programs, in accordance with established guidelines.

- a. **General information on the program.**
Disposition: Temporary Record. Retain until superseded.
- b. **Employee applications, correspondence, and enrollment cards and files.**
Disposition: Temporary Record. Retain 4 years after program termination or employee separation.

c. **Employee claims files.**

Disposition: Temporary Record. Retain 2 years after the audit period in which the claim was filed.

7.17 “Drug-Free Workplace” Records. These records document the racing commission’s substance abuse policies and programs, as well as drug and alcohol testing of racing commission employees. Under the federal Americans with Disabilities Act, such medical-related records may not be included in Employee Personnel Files.

a. **Drug/alcohol abuse policy and procedures documentation.**

Disposition: Temporary Record. Retain 4 years after policy is superseded.

b. **Positive employee drug or alcohol test results, documentation of employee refusals to take tests, documentation of employee referrals and treatment in substance abuse programs, copies of municipality’s annual MIS reports submitted to FTA.**

Disposition: Temporary Record. Retain 5 years.

c. **Records related to the collection process and employee training.**

Disposition: Temporary Record. Retain 2 years.

d. **Negative employee training drug or alcohol test results.**

Disposition: Temporary Record. Retain 1 year.

7.18 Workmen’s Compensation Insurance Claim Files. These files document all claims pertaining to work-related injuries or diseases made by racing commission employees (See Code of Alabama 1975 § 25-5-4).

Disposition: Temporary Record. Retain 12 years and after the end of the fiscal year in which the transaction occurred.

7.19 Unemployment Compensation Files. These files provide documentation related to employee claims for unemployment compensation.

Disposition: Temporary Record. Retain 2 years following audit.

7.20 Employee Assistance Program Files. These are administrative records documenting referral of employees to various assistance programs and subsequent services provided.

Disposition: Temporary Record. Retain 2 years following audit.

7.21 Family Medical Leave Act (FMLA) Records. These records document administration of the federal Family Medical Leave program, including leave taken, premium payments, employer notices, and correspondence.

Disposition: Temporary Record. Retain 2 years following audit.

7.22 Affordable Care Act Compliance Files. These records encompass the documentation submitted to the federal government to demonstrate compliance with the Affordable Care Act.

Disposition: Temporary Record. Retain 3 years after submission.

7.23 Training Records. These records document the racing commission's provision of in-service training and professional development for its employees. They do not include materials obtained from outside sources. Disposition is as follows:

- a. **Training standards, policies, procedures, and publications.** These records document the racing commission's overall standards, policies, and procedures in providing specialized training to its employees. They may include general policy statements or guidelines, training manuals, or related publications.
Disposition: PERMANENT RECORD.

Note: Permanent retention applies to the file copy. Duplicates may be destroyed when no longer needed.

- b. **Training administrative files.** These records document the process of conducting training for employees. They may include individual lesson plans, audiovisual presentations or materials, lists of attendees at workshops or training sessions, sign-in sheets, unpublished handouts, and appraisals of training completed by participants.
Disposition: Temporary Record. Retain for useful life.

7.24 Reports of Racing Commission Employees Required to File Statements of Economic Interest. These records include reports to the Alabama Ethics Commission and related transmittal letters, copies of statements, and correspondence pertaining to the filing of Statements of Economic Interest by employees.
Disposition: Temporary Record. Retain 4 years.

Administering Internal Operations: Managing Properties, Facilities, and Resources

8.01 Building Construction and Renovation Files. These files document the design, construction, repair, and renovation of racing commission buildings. Included may be building specifications and floor plans, plans of proposed work, lists of materials, correspondence, memoranda, reports, blueprints, site plans, elevation details, and financial records. Disposition is as follows:

- a. **Plans, specifications, and blueprints of racing commission buildings of significant historical interest (e.g., local archives).**
Disposition: PERMANENT RECORD. Retain in office for life of building; agency may then offer for transfer to a local library, archives, or historical society under the terms of a local government records deposit agreement.
- b. **All other records (financial records; plans, specifications, and blue prints for buildings lacking significant historical interest).**
Disposition: Temporary Record. Retain for life of building.

8.02 Records of Rented Buildings or Facilities.

Disposition: Temporary Record. Retain during use of building or facility and transfer to new occupant.

Fixed Assets Records. Records below document the racing commission's ownership of assets (such as land, buildings, and equipment) that are purchased for long-term use and are not likely to be quickly converted into cash. They may include:

8.03 Annual Inventory Records. These records document all personal property, equipment, or capital outlay on an annual basis.

Disposition: Temporary Record. Retain 2 years following audit.

8.04 Appraisals of Real Property Acquired for Municipal Use. These records document appraisals of private or real property that are performed prior to the racing commission acquiring the land for public use (for example, constructing streets, bridges, public parks, and parking lots or garages).

Disposition: Temporary Record. Retain 10 years.

8.05 Deeds to Racing Commission Real Property. These are copies of records that document the ownership of real property. Deeds are held permanently by the county probate office.

Disposition: Temporary Record. Retain until property is sold. Verify that the county probate office holds the original deed prior to destruction.

8.06 Vehicle and Equipment Ownership Files. These records document the ownership and maintenance of all vehicles and other equipment owned or maintained by the racing commission. They may include titles, bills of sale, and related correspondence.

Disposition: Temporary Record. Retain 2 years following the audit period in which equipment or vehicle is removed from inventory.

8.07 Vehicle and Equipment Maintenance Files (work orders, repair records, and related financial records).

Disposition: Temporary Record. Retain 2 years following audit.

8.08 Facilities/Buildings Inspection Records. These records document the routine safety and maintenance inspection of municipal buildings, facilitates, and such potentially dangerous items as furnaces, elevators, electronic doors, etc.

Disposition: Temporary Record. Retain 5 years.

8.09 Facilities/Buildings Maintenance Work Orders. These records document routine maintenance activities in municipal buildings or other facilities.

Disposition: Temporary Record. Retain 1 year.

8.10 Insurance Policies and Claims.

- a. **Insurance policies.** These policies document all insurance policies carried by the agency.
Disposition: Temporary Record. Retain 10 years after the end of the fiscal year in which the policy was terminated.
- b. **Insurance claims.** These records document insurance claims filed by the local government agency.
Disposition: Temporary Record. Retain 2 years after the audit period in which the claim was settled.
- c. **Certificates of liability.** These records provide proof of insurance. Certificates are typically valid for a period of one year or less.
Disposition: Temporary Record. Retain until superseded.

8.11 Depreciation Schedules. These records document the expected depreciation, and consequent decline in value, of racing commission fixed assets over time.
Disposition: Temporary Record. Retain 2 years after the audit period in which fixed asset is removed from inventory.

8.12 Receipts of Responsibility for Property. These records document the temporary use or possession of municipal property by employees.
Disposition: Temporary Record. Retain until return of item to property manager.

8.13 Facilities/Buildings Security Records. These records document the racing commission's efforts to provide security to members of the public using its buildings and facilities, as well as to monitor the admission of visitors to these areas. They may include visitors' logs or sign-in sheets, alarm system logs, recordings of security monitoring or response, and any other records documenting security staff's response to alarms or emergencies.

- a. **Security monitoring or response recordings, alarm system and warning siren logs.**
Disposition: Temporary Record. Retain 30 days or until final disposition of any criminal cases, litigation, or other incidents for which recordings provide evidence.
- b. **All other records.**
Disposition: Temporary Record. Retain 3 years.

8.14 Facilities/Buildings Safety Plans and Training Files.

- a. **Safety plans.** These records document the manner in which agency staff are directed to respond in emergencies. Examples of safety plans include, but are not limited to, fire evacuation protocols, severe weather plans, and active shooter protocols.
Disposition: Temporary Record. Retain until superseded.

- b. **Training files.** These records document the training and practice undertaken by staff to implement safety plans. Examples of training and practice include, but are not limited to, fire drills, tornado drills, and bomb threat drills.
Disposition: Temporary Record. Retain 3 years.

8.14 Motor Pool Use Records. These records document the use of vehicles in the motor pool by employees.

Disposition: Temporary Record. Retain 2 years following audit.

8.15 Parking Records. These records document the use of racing commission parking facilities by employees or visitors. They may include parking permits, cards, and applications for these items.

Disposition: Temporary Record. Retain 2 years following audit.

8.16 Long-Distance Telephone Logs. These records document use of the racing commission's long-distance telephone systems by employees during business hours.

Disposition: Temporary Record. Retain 2 years following audit.

Requirement and Recommendations for Implementing the Records Disposition Authority (RDA)

Requirement

Under the Code of Alabama 1975 § 41-13-23, “no county, municipal, or other local government official, shall cause any. . . record to be destroyed or otherwise disposed of without first obtaining the approval of the local government records commission.” This RDA constitutes authorization by the Local Government Records Commission to dispose of records as stipulated, with the condition that the responsible official must submit a Local Government Records Destruction Notice to the ADAH Government Records Division to document the destruction. The ADAH, which serves as the commission’s staff, retains local records destruction documentation as a permanent record.

Recommendations

In addition, the Agency should make every effort to establish and maintain a quality record-keeping program by conducting the following activities:

The Agency should designate a staff member in a managerial position as its records liaison/records manager, who is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency’s approved RDA.

Permanent records in the Agency’s custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.

Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis – for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the Open Meetings Act, audit requirements, or any legal notice or subpoena.

The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records’ permanent preservation and accessibility.

Electronic mail contains permanent, temporary, or transitory record information. Although e-mail records can be printed out, filed, and retained according to the RDA’s requirements, the office should preferably employ an electronic records management system capable of sorting e-

mail into folders and archiving messages having long-term value.

The staff of the Local Government Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records maintained in the custody of the Agency and inspect records destruction documentation. Agency records managers and/or the ADAH archivists are available to instruct the staff in RDA implementation and otherwise assist the Agency in implementing its records management program.

The Local Government Records Commission adopted this records disposition authority on October 28, 2020.

Steve Murray, Chairman
Local Government Records Commission

Date

By signing below, the agency acknowledges receipt of the retention periods and requirements established by the records disposition authority.

Chair, Racing Commission

Date

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